

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

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In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No.
Table of Allotments,) RM-
FM Broadcast Stations.)
(Hope, Arkansas))

OCT 30 1992
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

PETITION FOR RULE MAKING

KdB, Inc. (hereinafter "KdB"), licensee of broadcast station KXAR-FM, Hope, Arkansas, by its attorneys, hereby petitions the Federal Communications Commission (hereinafter "FCC" or "Commission") to amend Section 73.202(b) of its Rules and Regulations by substituting Channel 269C2 for Channel 269A at Hope, Arkansas; to modify the license for KXAR-FM to specify operation on Channel 269C2; and to substitute Channel 272A for Channel 269A (on which FM station KQEW currently operates) at Fordyce, Arkansas, in order to accommodate the requested upgrade of KXAR-FM. In support whereof, the following is shown:

1. As specified in greater detail in the attached Technical Statement supporting this petition, KdB, which currently operates as a Class A station on Channel 269 at Hope, has determined that, from the specified reference point, KXAR-FM can be upgraded to Class C2 status on its present channel, with a site restriction 2.6 kilometers west/northwest of Hope; all applicable coverage and spacings requirements can be satisfied if Channel 272A is substituted for Channel 269A at Fordyce, Arkansas, and KQEW(FM) can continue to operate from its present

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transmitter site at Fordyce if that substitution is effected. In addition, the requested channel substitution at Fordyce would enable KQEW to increase power from its present three kilowatts to six kilowatts.

2. The proposed upgrade of the KXAR-FM channel from Class A to Class C2 status would advance the public interest by enabling KXAR-FM to serve the additional 123,112 persons residing in the additional 6,815.4 square kilometers of its expanded service area from improved facilities. Similarly, if KQEW were to seek authority to operate at maximum power from facilities on Channel 272A, that station would be able to serve an additional 11,916 persons residing in its expanded service area.

3. Should the Commission adopt the proposals outlined herein, KdB will reimburse KBJT, Inc., licensee of KQEW, for its costs associated with the channel change at Fordyce; will promptly file an application for upgraded facilities for KXAR-FM at Hope; and will, if the KdB application is granted, promptly construct and operate KXAR-FM as a Class C2 station.

4. Accordingly, KdB respectfully requests the following changes to the FM Table of Allotments:

<u>Community</u>	<u>Channel</u>	
	<u>Present</u>	<u>Proposed</u>
Hope, Arkansas	269A, 285A	269C2, 285A
Fordyce, Arkansas	269A	272A

For the reasons set forth above, KdB respectfully requests that the Commission Section 73.202(b) as proposed in this petition.

Respectfully submitted,

KdB, INC.

By:


Anne Thomas Paxson

Its Attorney

BORSARI & PAXSON
2033 M Street, N.W.
Suite 630
Washington, DC 20036
(202) 296-4800

October 30, 1992

PETITION FOR RULE MAKING
KdB, INC.
SUBSTITUTE CH 269C2 FOR CH 269A
ORDER KXAR-FM TO CHANGE CHANNELS
HOPE, ARKANSAS
October 1992

Technical Exhibit
TE-1

Bromo Communications, Inc.
P.O. Box M - 1331 Ocean Boulevard, Suite 201
St. Simons Island, Georgia 31522
(912) 638-5608

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PETITION FOR RULE MAKING
KdB, INC.
SUBSTITUTE CH 269C2 FOR CH 269A
ORDER KXAR-FM TO CHANGE CHANNELS
HOPE, ARKANSAS
October 1992

TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared on behalf of KdB, Inc. ("KdB"), licensee of radio station KXAR-FM, Channel 269A, Hope, Arkansas. KdB requests the Commission amend §73.202(b) of its rules by substituting Channel 269C2 for Channel 269A at Hope, Arkansas. Further, KdB requests that the Commission modify its license for KXAR-FM to specify operation on Channel 269C2. In order to accommodate the requested upgrade of its facilities at Hope, Arkansas, KdB also requests that the Commission substitute Channel 272A for Channel 269A at Fordyce, Arkansas, and that KQEW be ordered to change channels.

BACKGROUND

2. Aside from the requested substitution that KdB requests at Fordyce, Arkansas, it would appear that one other facility impedes the potential improvement of KXAR-FM. Specifically, the licensed facility for KENA, Channel 269A, Mena, Arkansas, appears to be a preclusion for an upgrade at Hope. However, in MM Docket #89-290 (released August 26, 1992) the Commission ordered KENA to Channel 271C2

at Mena, Arkansas. Therefore, Channel 269A at Mena is no longer a preclusion to a KXAR-FM upgrade. In that same docket, the Commission dismissed a request to allot Channel 271A to Magnolia, Arkansas. The requested upgrade at Hope, Arkansas, does not conflict with the other allotments made in MM Docket #89-290. The effective date of changes of allocations for Mena, Arkansas, was October 13, 1992.

PROPOSAL

3. KdB requests that Channel 269C2 be allotted to Hope, Arkansas, at a site restricted 2.6 kilometers west/northwest of the community, in order to avoid shortspacing KISI, Channel 268A, Malvern, Arkansas, at reference coordinates North Latitude 33° 40' 15" and West Longitude 93° 37' 10", From this reference location, a 3.16 mV/m contour will be provided to Hope, Arkansas. Exhibit #1 is a visual depiction of the usable area of Channel 269C2. Exhibit #2 is a \$73.207 spacing analysis which demonstrates that Channel 269C2 meets spacing requirements to all licensed, applied for or proposed facilities (with the exception of KXAR-FM at Hope, and KQEW, Channel 269A, Fordyce. The channel of the Fordyce facility is proposed to be changed as outlined below).

4. Channel 272A can be substituted for Channel 269A at Fordyce, Arkansas, at the present KQEW transmitter site,

which is located 2.4 kilometers west/southwest of the community at geographic coordinates North Latitude 33° 48' 17" and West Longitude 92° 26' 07" (it should be noted that no site restriction is necessary on this particular allocation). Channel 272A at Fordyce is mutually exclusive with the present Channel 269A allocation. Therefore, this allocation should not be subject to competing expressions of interest at Fordyce. Exhibit #3 is a detailed usable area for Channel 272A at Fordyce and demonstrates where a transmitter site could be located for this channel. Exhibit #4 is an allocation study for Channel 272A and shows that the channel meets all spacing requirements to other Commission licensed, applied for or proposed facilities, with the exception of the existing KQEW facility.

PUBLIC INTERESTS ASPECTS

5. An improved KXAR-FM operating as a maximum C2 facility from the reference coordinates would provide service to 148,693 number of persons in 8,540.8 square kilometers. This represents an increase of 123,112 persons in 6,815.4 square kilometers over its presently licensed Class A facilities. ¹

1) The population information of the C2 and present Class A facilities of KXAR-FM is based on 1990 Census information extracted from the PL 94-171 files.

6. Additionally, the requested substitution of channels at Fordyce, Arkansas, will enable KQEW to improve its facilities from a 3.0 kilowatt Class A to 6.0 kilowatts. Presently, Channel 269A at Fordyce has grandfathered shortspaces to KXAR-FM in Hope, Arkansas, as well as the allotment of Channel 269A at Humnoke, Arkansas. Thus, this substitution and potential power increase will enable KQEW to serve an additional 11,916 persons in 604.4 square kilometers (assuming a 6.0 kilowatt facility is implemented at the present station's site and height above average terrain) over the present Class A operation. ² It will also remove two §73.213 grandfathered shortspaces.

REQUEST

7. KdB therefore requests the following changes to §73.202(b) of the Commission's rules.

Hope, Arkansas

Present

269A

Proposed

269C2

Fordyce, Arkansas

Present

269A

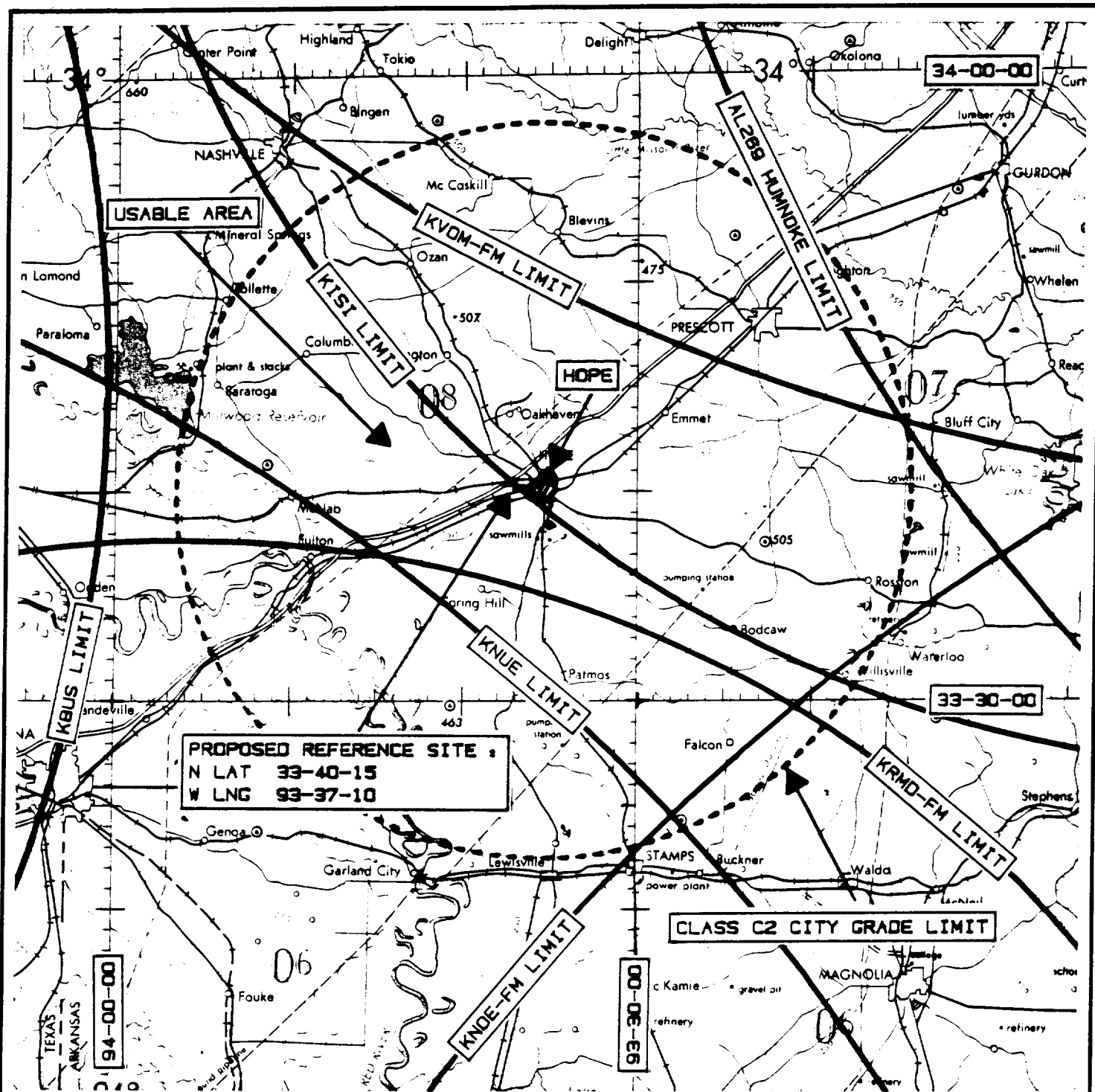
Proposed

272A

2) The population information of the potential 6.0 kilowatt and present 3.0 kilowatt coverage of KQEW is based on 1990 Census information extracted from the PL 94-171 files.

8. When Channel 269C2 is allocated to Hope, Arkansas, KdB will file, in a timely manner, an application for construction permit seeking to make minor changes to the facilities of KXAR-FM. Upon a grant of the construction permit for the improved facilities, KdB will, on a timely basis, construct the improved facilities. Further, KdB will reimburse the licensee of KQEW, Fordyce, Arkansas, for reasonable expenses necessary to make the herein requested change of channels from 269A to 272A.

9. The foregoing technical statement and attached exhibits were prepared on behalf of KdB, Inc., by Bromo Communications, Inc., its technical consultants. All information contained herein is true and accurate to the best of our belief and knowledge. Should questions arise during consideration of this proposal, we would welcome the opportunity to discuss the matter by phone at (912) 638-5608. All information contained herein is based on the NTIA FM database as updated in September 1992. We assume no liability for omissions in that database, which may be adverse to the requests contained herein.

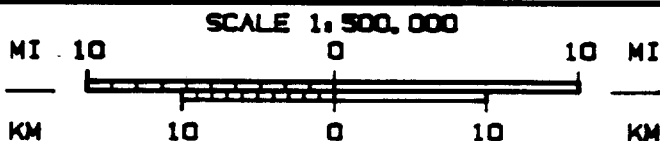


USABLE AREA CHANNEL 269C2

MAP IS A PORTION OF THE 1:500,000 SCALE
MEMPHIS SECTIONAL AERONAUTICAL CHART.

MAP ASSUMES THAT KDEV IS OPERATING ON
CHANNEL 272A, IN LIEU OF CHANNEL 269A.

EXHIBIT #1
PETITION FOR RULE MAKING
KdB, INC.
SUBSTITUTE CHANNEL 269C2
FOR CHANNEL 269A
HOPE, ARKANSAS
October 1982



BROMO
COMMUNICATIONS
BROADCAST TECHNICAL CONSULTANTS
St Simons Island, Georgia
Washington, D.C.

ALLOCATION STUDY FOR HOPE, ARKANSAS
USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE
33 40 15 N
93 37 10 W

CLASS C2
Current rules spacings
CHANNEL 269 -101.7 MHz

DISPLAY DATES
DATA 09-30-92
SEARCH 10-16-92

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
KXARFM	269A	Hope	AR	44.0	2.78	166.0	-163.22
LI CN	33 41 20	93 35 55	3.000 kW	90M	1.7	103.2	
		KdB, Inc.				BLH850117KY	
* KQEW	269A	Fordyce	AR	82.3	110.74	166.0	-55.26
LI CN	33 48 17	92 26 07	3.000 kW	88M	68.8	103.2	
		Dallas Properties, Inc.				BLH820323AA	
		> to Channel 272A (as proposed by KdB, Inc.)					
KISI	268A	Malvern	AR	40.5	106.01	106.0	0.01
LI CN	34 23 52	92 52 27	6.000 kW	97M	65.9	65.9	
		Harbour Enterprises				BLH910329KD	
KRMDFM	266C	Shreveport	LA	195.0	113.13	105.0	8.13
LI CY	32 41 08	93 56 00	100.000 kW	341M	70.3	65.3	
		Amcom of Louisiana, Inc.				BLH850228LB	
KNUE	268C	Tyler	TX	218.5	199.94	188.0	11.94
LI CY	32 15 35	94 57 02	100.000 kW	327M	124.3	116.8	
		Golden Eagle Broadcasters, Inc				BLH850307KT	
KVOMFM	269A	Morrilton	AR	25.3	182.60	166.0	16.60
LI CN	35 09 32	92 46 13	6.000 kW	69M	113.5	103.2	
		Morrilton Broadcasting Company				BMLH900206KD	
KNOEFM	270C	Monroe	LA	138.5	218.57	188.0	30.57
LI EY	32 11 45	92 04 10	100.000 kW	509M	135.8	116.8	
		KNOE Enterprises, Inc.				BLH3131	
ALOPEN	269A	Humnoke	AR	60.3	198.37	166.0	32.37
AL N	34 33 28	91 45 09	0.000 kW	OM	123.3	103.2	
		MM Docket #84-269 Window Open 6-13-85 Closed 7-12-85					
KBUS	270C2	Paris	TX	273.1	166.61	130.0	36.61
LI CN	33 45 04	95 24 51	50.000 kW	150M	103.6	80.8	
		Lamar County Broadcasting, Inc				BLH881116KB	

CHANNEL 269C2 ALLOCATION STUDY

* NOTE : KdB, INC. IS PROPOSING TO
RELOCATE KQEW TO CHANNEL 272A AT
FORDYCE, ARKANSAS.

EXHIBIT #2

PETITION FOR RULE MAKING
KdB, INC.
SUBSTITUTE CHANNEL 269C2
FOR CHANNEL 269A
HOPE, ARKANSAS
October 1992

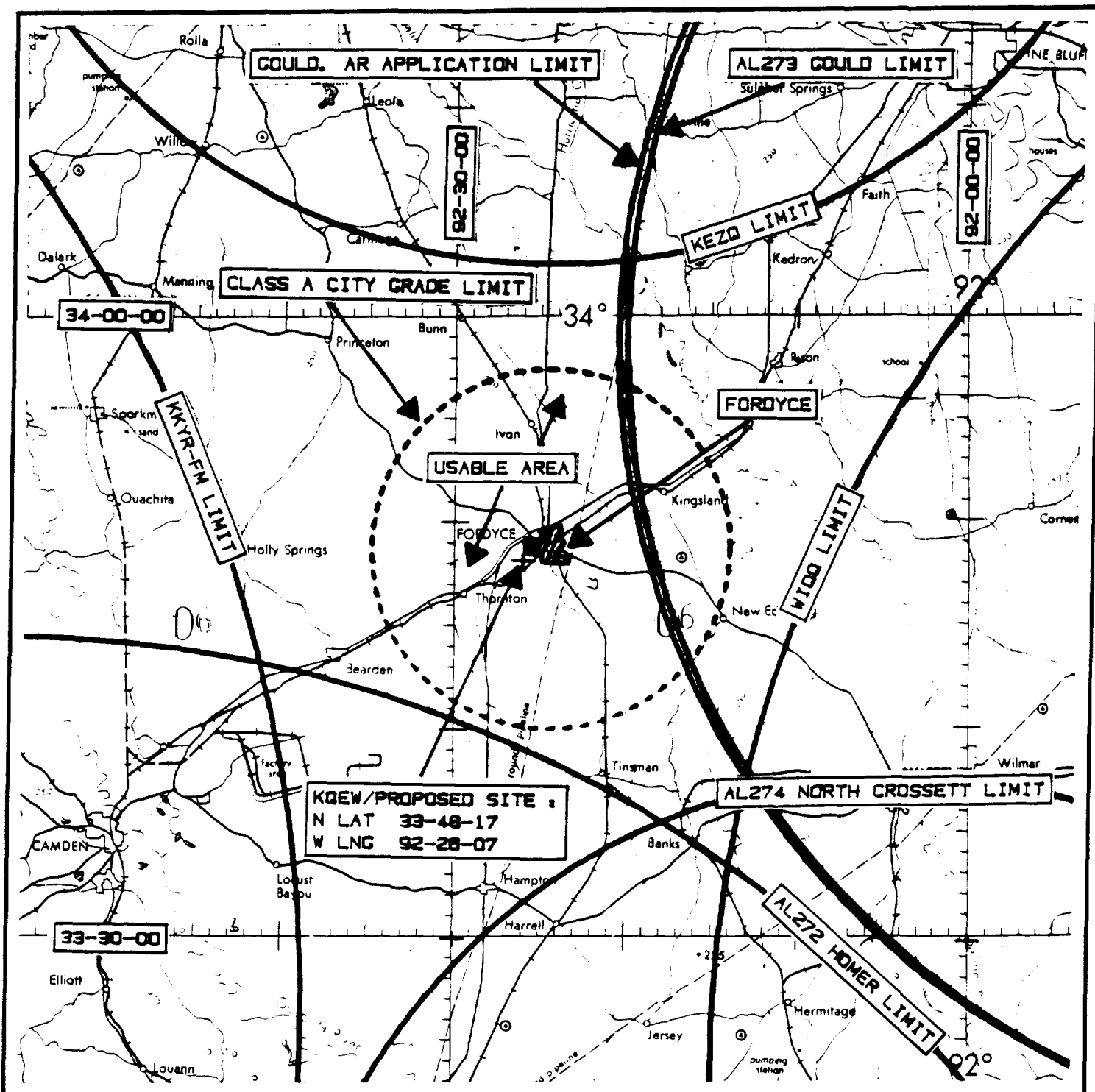
BROMO

COMMUNICATIONS

St Simons Island, Georgia

BROADCAST
TECHNICAL CONSULTANTS

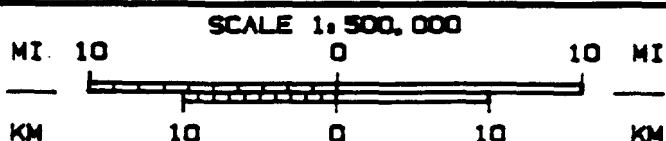
Washington, D.C.



USABLE AREA CHANNEL 272A

MAP IS A PORTION OF THE 1,500,000 SCALE
MEMPHIS SECTIONAL AERONAUTICAL CHART.

EXHIBIT #3
PETITION FOR RULE MAKING
KdB, INC.
SUBSTITUTE CHANNEL 269C2
FOR CHANNEL 269A
HOPE, ARKANSAS
October 1982



BROMO
COMMUNICATIONS
BROADCAST
TECHNICAL CONSULTANTS
St Simons Island, Georgia
Washington, D.C.

ALLOCATION STUDY FOR FORDYCE, ARKANSAS
USING PRESENT KQEW SITE AS REFERENCE

REFERENCE
33 48 17 N
92 26 07 W

CLASS A
Current rules spacings
CHANNEL 272 -102.3 MHz

DISPLAY DATES
DATA 09-30-92
SEARCH 10-16-92

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
KQEW	269A	Fordyce	AR	0.0	0.00	31.0	-31.00 *
LI CN	33 48 17	92 26 07	3.000 kW	88M	0.0	19.3	
Dallas Properties, Inc.					BLH820323AA		
AP273	273A	Gould	AR	76.2	82.91	72.0	10.91
AP CN	33 59 01	91 33 54	3.000 kW	58M	51.5	44.8	
B & H Broadcasting Company					901105MW		
>Untimely Filed 11-05-90							
ALOPEN	273A	Gould	AR	76.3	83.60	72.0	11.60
AL N	33 59 00	91 33 26	0.000 kW	0M	52.0	44.8	
MM Docket #89-285 Window Open 1-19-90 Closed 2-20-90							
ALOPEN	272A	Homer	LA	201.3	130.16	115.0	15.16
AL N	32 42 41	92 56 35	0.000 kW	0M	80.9	71.5	
>Site restricted - Effective 3-2-92 - Reserved for BPH-880705MG							
WIQQ	272A	Leland	MS	108.9	139.87	115.0	24.87
LI CN	33 23 50	91 00 33	1.700 kW	134M	86.9	71.5	
The River Broadcasting Co. Inc					BLH900924KE		
KKYRFM	273C1	Texarkana	TX	254.8	158.68	133.0	25.68
LI CN	33 25 48	94 05 08	100.000 kW	140M	98.6	82.7	
Broadcasters Unlimited, Inc.					BLH891218KD		
KEZQ	275C2	Sheridan	AR	1.7	81.04	55.0	26.04
LI CN	34 32 06	92 24 33	50.000 kW	150M	50.4	34.2	
Omni Communications, Inc.					BLH901205KB		
ALOPEN	274C2	North Crossett	AR	155.3	81.17	55.0	26.17
AL N	33 08 23	92 04 14	0.000 kW	0M	50.5	34.2	
MM Docket # 89-99							
>Site Restricted-Effective 7-13-92-RSVD For KWLTV Per D89-99							
AD272	272C3	Dardanelle	AR	334.5	174.93	142.0	32.93
AD	35 13 41	93 15 20	0.000 kW	0M	108.7	88.3	
Ramsey Communications, Inc.							

CHANNEL 272A ALLOCATION STUDY

EXHIBIT #4
PETITION FOR RULE MAKING.
KdB, INC.
SUBSTITUTE CHANNEL 269C2
FOR CHANNEL 269A
HOPE, ARKANSAS
October 1992

BROMO
COMMUNICATIONS
BROADCAST
TECHNICAL CONSULTANTS
St Simons Island, Georgia
Washington, D.C.

State of Georgia)
St. Simons Island) ss:
County of Glynn)

Notary Public, State of Georgia
My Commission Expires: September 8, 1995

CERTIFICATE OF SERVICE

I, Prastavna Sinha, an employee of the law firm Borsari & Paxson, hereby certify that I have this 30th day of October, 1992, sent via first class United States mail, postage prepaid, a true copy of the foregoing "Petition for Rule Making" to the following:

Gary Coates, President
KBJT, Inc.
303 Spring Street
Fordyce, AR 71742

Prastavna Sinha